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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,151	08/23/2000	Frank Dunne	PHB 34,383	1067

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,151

Applicant(s)

DUNNE ET AL.

Examiner

Joy K Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

1. Applicant's remarks with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection.

Terminal Disclaimer

2. The terminal disclaimer filed on July 19, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,690,943 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,4-6,9,11,14,15,16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al (Hashimoto), U.S. Patent No.5,255,308.

Regarding claims 1 and 10, Hashimoto discloses a broadcast system (and method) for communicating a broadcast message in a telecommunications system having at least one fixed terminal for communication with one or more portable terminals, said broadcast system including:

first transmitter means for transmitting a first message from the or

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each fixed terminal, the message including information specifying a channel, selected for that fixed terminal, to convey the broadcast message (col. 7, lines 16-28);

control means for causing the or each portable terminal to receive on the specified broadcast message channel (col.7, lines 42-45); and

second transmitter means for transmitting from the fixed terminal the broadcast message on the said specified broadcast message channel for reproduction of the broadcast message by the or each portable terminal, wherein the broadcast message channel is connectionless (col.7, lines 42-53 and col.3, lines 40-51).

Regarding claims 4 and 14, Hashimoto discloses a broadcast system in accordance with claims 1 and 11, wherein the selected channel supports a connectionless downlink bearer (col.7, lines 42-45).

Regarding claims 5 and 15, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 wherein the first message is transmitted as a short page message (col. 3, lines 40-51).

Regarding claims 6 and 16, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 and further including:

means for assigning each portable terminal with a broadcast group identity (col.2, line 55 to col.3, line 13);

means for including broadcast group identity information in the first message (col. 3, lines 13-23); and

means for causing the or each portable terminal to receive on the specified broadcast channel only if the said portable terminal has an assigned broadcast group

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identity that corresponds to the broadcast group identity transmitted in the first message (col.3,lines 28-39).

Regarding claims 9 and 19, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 and further including:

means for assigning each portable terminal with a broadcast group identifier (col. 2, line 55 to col.3, line 13);

means for including broadcast group identity information in the first message (col. 3, lines 13-23); and

means for causing the or each portable terminal to receive on the specified broadcast channel only if the said portable terminal has an assigned broadcast group identity that corresponds to the broadcast group identity transmitted in the first message, wherein the broadcast message is initiated at and originates at a portable terminal in communication with the at least one fixed terminal of the system, and the broadcast group identity information in the first message is selected and originates at the said portable terminal (col.3, line 28-39).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2,3,7,8,10,12,13,17,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto, in view of Subhankar, U.S. Patent No. 6,112,097.

Regarding claims 2 and 12, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 but fails to disclose wherein the selected channel is established on a DECT physical channel.

In a similar field of endeavor, Subhanker discloses wherein the selected channel is established on a DECT physical channel (col. 1, lines 51-58).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify Hashimoto to include a DECT physical channel in order to interconnect a fixed part of the radio to the other mobile radios.

Regarding claims 3 and 13, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 but fails to disclose wherein the selected channel supports a DECT simplex bearer.

In a similar field of endeavor, Subhanker discloses wherein the selected channel supports a DECT simplex bearer (col. 1, lines 51-58).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify Hashimoto to include a DECT physical channel in order to interconnect a fixed part of the radio to the other mobile radios.

Regarding claims 7 and 17, Hashimoto discloses a broadcast system in accordance with claims 6 and 11 but fails to disclose wherein the broadcast group identity information is expressed as a DECT group temporary portable user identity (TPIU).

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Subhanker further discloses wherein the broadcast group identity information is expressed as a DECT group temporary portable user identity (TPIU) (col. 7, lines 30-36).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hashimoto to include a group of temporary portable user identities in order to provide flexibility if fixed parts are unavailable.

Regarding claims 8 and 18, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 but fails to disclose wherein the broadcast message is initiated at and originates at a portable terminal in communication with the at least one fixed terminal of the system.

Subhanker further discloses wherein the broadcast message is initiated at and originates at a portable terminal in communication with the at least one fixed terminal of the system (col.3, line 65 to col.4, line 8).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hashimoto to include at least one broadcast message of the multiplicity is initiated at and originates at a portable terminal in order to centralized operations.

Regarding claims 10 and 20, Hashimoto discloses a broadcast system in accordance with claims 1 and 11 but fails to disclose means for periodic transmission of the first message for the duration of the broadcast message to allow portable terminals to roam into geographical areas covered by a different fixed terminal and to receive the broadcast from the different fixed terminal.

Subhanker further discloses means for periodic transmission of the first message for the duration of the broadcast message to allow portable terminals to roam into

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geographical areas covered by a different fixed terminal and to receive the broadcast from the different fixed terminal (col. 3, lines 38-53).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hashimoto to include portables roaming into geographical areas covered by different fixed terminals in order to allow users to move across the border.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schlosser et al., U.S. Patent No. 6,253,089, discloses a system for transferring information from a base station to portable phones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

October 30, 2004

JMK Contee
JOY K. CONTEE
PATENT EXAMINER
7033080149